

ORDERED.

Dated: September 5, 2014



Eileen W. Hollowell, Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Proceedings under Chapter 7
AMADO G. CALDERON,) Case No. 4:10-bk-16880-EWH
Debtor.) **ORDER GRANTING DEBTOR'S
MOTION FOR DIRECTED VERDICT
ON TRUSTEE'S OBJECTION TO
PROPERTY CLAIMED EXEMPT**
)
)
) **Evidentiary Hearing Date:
August 6, 2014 @ 10:30 a.m.**
)

Following remand from the 9th Cir. BAP, an evidentiary hearing was held on August 6, 2014 at 10:30 a.m. on the Trustee’s Objection to Property Claimed Exempt (“Objection”) filed by the Trustee relating to real property located at 12611 N. Granville Canyon Way, Oro Valley, AZ 85755 (“Property”), claimed by Debtor as his homestead exemption. At the conclusion of the Trustee’s case-in-chief, Debtor moved for a directed verdict. Based on the evidence presented and the argument of counsel,

THE COURT FINDS AS FOLLOWS:

1. Debtor established a homestead interest by living at the Property as his marital residence for more than nine years prior to his divorce;
2. The Trustee has failed to meet her burden of presenting clear evidence sufficient to overcome the presumption that Debtor did not abandon his

homestead interest prior to filing his bankruptcy petition.

IT IS HEREBY ORDERED AND ADJUDGED as follows:

- A. Debtor's Motion for Direct Verdict is GRANTED;
- B. The Trustee's Objection to Property Claimed Exempt is DENIED;
- C. Debtor is entitled to the homestead exemption claimed in his petition.

DATED AND SIGNED ABOVE